

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Sharon D. Wilson,	)	
	)	
Plaintiff,	)	Civil Action No. 6:04-2339-RBH-WMC
	)	
vs.	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
	)	
Javier Agosto and Ray Leblant,	)	
	)	
Defendants.	)	
_____	)	

The plaintiff is proceeding in this action *pro se*. On March 28, 2005, defendants Agosto and Leblant filed a motion to dismiss.<sup>1</sup> On March 29, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary dismissal procedure and the possible consequences if she failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on May 6, 2005, giving the plaintiff through May 31, 2005, to file her response to the motion to dismiss. The plaintiff was specifically advised that if she failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

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<sup>1</sup>By order of the court filed February 3, 2005, John E. Potter and Denis Krueger were dismissed as defendants in this action based on the plaintiff's failure to prosecute.

pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/William M. Catoe  
United States Magistrate Judge

June 2, 2005

Greenville, South Carolina